

DIGEST OF THE COMMISSION ON CRIMINAL AND JUVENILE JUSTICE

Our review of the Commission on Criminal and Juvenile Justice determined that the commission is meeting the requirements of the sunset statute (Utah Code 63-55) and should be reauthorized. The statutory purpose of the commission is to promote the coordination of criminal justice agencies in their effort to meet the objectives of the criminal and juvenile justice system. The commission has served a public purpose by promoting coordination in accomplishing short-range objectives. However, we feel the commission could enhance its effectiveness by formally adopting long-range objectives and promoting coordination in achieving those objectives through long-range planning. Also, our review found the commission to be functioning in a capacity not authorized by statute. The commission has served in an administrative capacity for federal grant monies. The Legislature should consider adding this duty to the commission's enabling statute if they want the commission to function in this capacity.

The Commission Has Served A Public Purpose: The Commission on Criminal and Juvenile Justice has served a public purpose by coordinating efforts made to achieve short-range objectives in four general areas. First, the commission coordinates efforts towards drafting criminal justice legislation. For example, a commission-sponsored task force helped develop the Victims Bill of Rights, which was passed by the Legislature in 1987 while another commission-sponsored task force helped draft legislation which was passed by the 1991 Legislature establishing the Children's Justice Centers. Second, the commission coordinates efforts in issuing opinions on proposed bills and appears to have influence with legislators. For example, the commission strongly supported five bills in 1991 while opposing three bills. Of the five bills strongly supported, four passed, while none of the bills opposed by the commission passed. Third, the commission coordinates efforts in criminal justice research which often influences legislation. Of the 11 research projects completed between 1986 and 1990, 7 or 64 percent resulted in legislation passed. Fourth, the commission coordinates efforts affecting criminal justice procedures. The primary example in this area is the commission's development of sentencing and release guidelines which are in use today.

Since the stated purpose of the commission is to promote coordination of criminal justice efforts towards agreed upon objectives, a public purpose is served if that is accomplished. Given the task force work the commission has done, the research projects it has completed, the effect it has had on legislation and the internal procedures of the criminal justice system, we think the commission has done a good job of coordinating efforts towards short-range objectives. As a result, it has performed a public service and should be reauthorized. However, the commission needs to focus more on long-range objectives.

The Commission Needs to Develop Long-Range Objectives: The commissioners lack consensus on the long-range objectives of the criminal justice system. We asked six

commissioners who have served on the commission at least two years to give us the long-range objectives of the criminal justice system. Each commissioner was able to provide several reasonable long-range objectives. However, only one objective received any consensus. Without a consensus on long-range objectives, the commission may not be as effective in its coordinating role as it could be. This lack of long-range focus exists among some similar agencies in other states, but one of those states is attempting to address the issue. The commission could address this issue by first agreeing upon a mission statement and goals for the criminal justice system. Once these have been established, long-range objectives can be developed and planning towards those objectives can begin.

The Commission Needs Additional Statutory Authority: During the sunset review it is also appropriate to examine the Utah Code pertaining to the agency and address any concerns. One concern we have is the fact that the commission acts as a federal grant pass-through and monitoring agency without having the statutory authority to do so. Legislative General Counsel informally indicated that the commission should probably have statutory authority if they are to continue to perform this function. We contacted three criminal justice commissions in other states (Arizona, Colorado, and Oregon) which perform duties similar to Utah's. We found that all three agencies act as a pass-through and monitoring agency for federal grants. Thus, it appears that other states consider this an appropriate duty for a criminal justice advisory agency. The Legislature needs to authorize the commission or some other organization to perform this function and amend the code accordingly.